

I am a scholar doing research on trademark infringement disputes. I am examining all phases of litigation, from complaint to final disposition. I'm performing statistical studies of the case records to answer questions such as, "What case characteristics make it more common for a defendant to proffer a consumer survey to the court?" and "Is similarity of the junior and senior marks more important to judicial rulings on motions for summary judgment than it is for rulings in bench trials?"

Previously, academic researchers have used commercial databases (e.g., Westlaw) for this task. However, I strongly suspect those studies are flawed because those commercial databases are highly selective in their case coverage. To improve on previous research, I want to examine the vastly superior records available on PACER.

I have already started the process by using PACER (accruing normal fees) to develop a list of all the 59,156 trademark cases (Nature of Suit = 840) that were filed in district courts from Jan. 1, 2000 to Dec. 31, 2015. From that list, I have randomly selected 500 cases. Because these 500 cases are a random sample of all trademark cases, they are more representative of the whole than cases that can be found on Westlaw.

My plan is to download all the court documents for each of the 500 cases and then perform my analyses on those documents. I have done a pretest of this approach with 10 cases, and the total PACER fees have been about \$300. Therefore, I expect the total PACER fees for this project would be about \$15,000. That cost is prohibitive, so I am requesting a waiver of PACER fees for this academic research project.

When the project is complete, I will publish the results of my statistical analysis in an academic law review. I have published previously in law reviews, and if the PACER fees are waived, I am confident I will successfully complete this project.